

11

Home (1949) Department.

Ms. SERIES.

Passed
21/12/49

G.O. NO 5048

Dated 17th December 1949

[Despatch Abstract.]

Public Prosecutor - Additional - Mangalore - South Kanara - S.C.Nos. 11 and 12 of 1948 on the file of the Assistant Sessions Judge - Examination on commission - Enhancement of fees - Sanctioned.

Ref.C*3/5000-49.

South Kanara Dt.Magte's Off,
Mangalore, dated: 24th Augu

From

82705

To

31-8-48
Ayed Ahmed Sahib Bahadur, B.Sc. (Hons.),
Dt. Magistrate of South Kanara.

The Secretary to the Government,
Home Department, Madras.

S i r,

PUBLIC PROSECUTOR -Additional - Mangalore - S.C.Nos.11 and 12
of 1948 on the file of the Asst. Sessions Judge, Examination
on Commission - Deputation of additional Public Prosecutor -
Fees - Sanction.

7-10-48 Reference: G.O.No. 3348, Home Department, dated 8-7-1948.

Government were pleased to sanction the payment of a fee of
Rs.105/- at Rs.35/- per day for 21st, 22nd and 23rd July 1948
and travelling allowance admissible under Rule 6(b) of Annexure VIII
to the Madras Travelling Allowance Rules for the journey performed
by the Addl.Public Prosecutor, Mangalore, in the G.O.cited above.

2. The Addl.Public Prosecutor, Mangalore, has since claimed
the following fees for the journey performed, at the rate of Rs.50/-
per day for each day spent in court and occupied in travelling for
conducting criminal cases in out-lying stations in accordance with
the revised rates sanctioned in G.O.No.1736, Home Department, dated
7-5-1948 .

21-7-1948.	Occupied in travelling to Madras.	Rs.	50/-	
22-7-1948.	-Do-		50/-	
23-7-1948.	Occupied in Court.		50/-	
24-7-1948.	Occupied in travelling from Madras to Mangalore.		50/-	
25-7-1948.	-Do-		50/-	
(21-7-1948)	II Class Rly.Fare from Mangalore to Madras.		47/-	04
(24-7-1948)	II Class Rly.Fare from Madras to Mangalore.		47/-	24
Total.			Rs. 344/-	

3-I request that sanction may be accorded for payment of fees
at the revised rates now claimed by the Additional Public Prosecu-
tor as shown above.

Yours faithfully,

Kuani

For Dt. Magistrate.

MES/25-8.
Compd.

218

2/2/49
24/9/49

Home Department

Memo No.82765.F/49- 2 dated 24/9/49.

Sub: P.P. - Additional - Mangalore - S.C.Nos. 11 and 12 of 1948 on the file of the Assistant Sessions Judge - Examination on Commission - Deputation to Madras - Fees.

Ref: From the D.M., South Kanara, No.C3/500/49 dated 24th August 1949.

The D.M., South Kanara is referred to his letter No.4447/48.MHC dated 2-8-48 in which it was reported that, 24th and 25th July 1948 being holidays, the Addl.P.P. ^{Mangalore} had no professional duty, to attend to on those days ^{even} if he were at Headquarters and ^{as such} ~~that~~ no fee was ~~therefore~~ recommended to the Addl.P.P. ^{for} on those two days. The D.M. is ^{requested} to justify the payment of fee, in detail, for those two days and to specify the actual period ^{taken for} ~~covered by~~ travelling from

To the D.M.S.Kanara.

Mangalore to Madras and back.

(R. D. 15/11/49)

16/9/49

24/9/49

From

Janab Syed Ahmed, B.Sc., (Hons.),
District Magistrate of South Kanara.

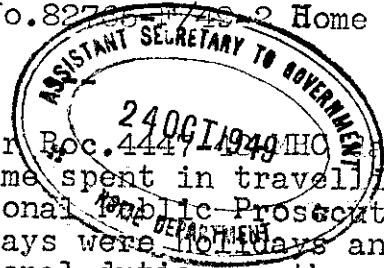
To.

The Secretary to Government,
Home Department, Madras.

Sir,

PUBLIC PROSECUTOR - Additional - Mangalore - S.C. Nos.
11 and 12 of 1948 on the file of Assistant Sessions
Judge - Examination on Commission - Deputation to
Madras - Fees.Ref: Government Memo No. 82736-1/49-2 Home Department
dated 24-9-49.

p. 3 ante



1. In this office letter No. 4447/1949 dated 2-8-48 no fee was recommended for the time spent in travelling from Madras to Mangalore by the Additional Public Prosecutor, Mangalore on 24-7-48 and 25-7-48 as those days were holidays and he could not have attended to his professional duties on those days even if he were in Mangalore. Accordingly Government were pleased to sanction a fee of Rs. 105/- for 21st, 22nd and 23rd July 1948 at the rate of Rs. 35/- per day.

2. The amount now claimed by the Additional Public Prosecutor is in accordance with the revised rate as amended in the last para of G.O. No. 1736 Home Department dated 7-5-48 for conducting criminal cases in outlying stations. According to this G.O. the Additional Public Prosecutor is entitled to a fee of Rs. 50/- for each day spent in Court or occupied in travelling, whether it is a holiday or not. In the light of the G.O. quoted above I consider that the payment of the fee recommended in Ref. C3-5000-49 dated 24-8-49 is justified as the Addl. Public Prosecutor had spent all the days on duty.

3. The actual period taken for travelling from Mangalore to Madras and back is noted below.

Journey
Mangalore to Madras
Madras to Mangalore

Period
21-7-48 morning to 22-7-48 morning
24-7-48 evening to 25-7-48 evening.

Yours faithfully,

S. Syed Ahmed
For Dt. Magistrate.

ks/22-10

ks
22/10

Memo No: 82765 F/49 Dated. 21/7/48

Public Prosecutor - Additional - Mangalore-
S.C.No. 11 and 12 of 1948 on the file of
the Assistant Sessions Judge - Examination
on Commission - Deputation to Madras - Fees.

Ref:

Correspondence ending with letter from the
District Magistrate, South Kanara C3.5000/49,
dated 22-10-1949

The Additional Public Prosecutor, Mangalore
had left Mangalore on the morning of 21-7-1948
and arrived in Madras on the morning of 22-7-1948
for the work before the Sixth Presidency Magistrate
which occupied him only on the 23rd July 1948.

~~It is observed that, if the Additional Public
Prosecutor had left Mangalore on the morning of
22nd, ^{he could} and arrived in Madras on 23rd, he would~~

have attended to the work in court in time,
on ~~that day itself~~ ^{the next day}, on 23-7-1948. Simi-
larly, if he had left Madras on 23-7-1948 ^{even.} ~~itself~~
after the work in court was over, he would have
reached Mangalore on the evening of 24-7-1948.

~~If this is the case~~ The Addl.P.P. would ^{then} have
taken only three days i.e. 22, 23 and 24th
July 1948 ^{on the whole}. The District Magistrate ^{South Kanara} is requested

to state why the Additional Public Prosecutor
had left Mangalore on ~~21-7-1948~~ ^{than 22nd} ~~the~~ a day
earlier and remained in Madras on 24-7-1948 ^{ie} a
day longer. ^{than necessary}

To the D.M., South
Kanara.

(RD.1-12-1949)

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Ref.C3-5000/49

South Kanara District Magistrate's
Office, Mangalore, dated 29-11-49.

From

Janab Syed Ahmed, B.Sc., (Hons.)
District Magistrate of South Kanara.

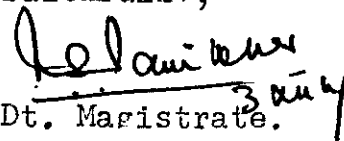
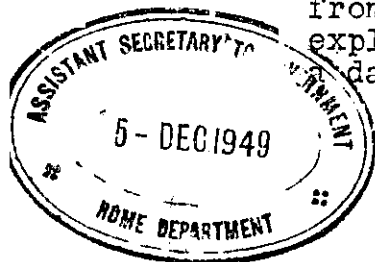
To

The Secretary to Government,
Home Department, Madras.

Sir,

PUBLIC PROSECUTOR - Additional - Mangalore S.C.No.
11 and 12 of 1948 on the file of the Asst. Sessions
Judge Examination on commission - Deputation to
Madras Fees.p. 7 anti---
Ref: Government Memo No. 82765 F/49-3 Home Dept.
dated 5-11-49.
---I enclose a copy of letter dated 26-11-49 ^{Public} from Sri. M.M. Prabhu, B.A.B.L., Additional Prosecutor, Mangalore explaining the circumstances under which he left Mangalore day earlier and remained in Madras on 24-7-49. ^{P. 11 info}

Yours faithfully,


For Dt. Magistrate.Enc: 1.
ks/30-1112
11/12

Copy of letter dated 23-11-1949 of Addl. Public Prosecutor
dated 23-11-1949.

Sir,

C.S. all and 12 of 1949 on the file of the Asst.
Sessions Judge - Examination on commission - Court
of Madras - Home Department - Memorandum No. 82705/2/49-
dated 5-11-49 - Remarks offered

P. 7 and 5

1 Though the case came up only on 23-12-49 I had to be
in Madras on the 22nd July itself for two reasons. Firstly, I
wanted to meet our witness who was going to be examined on
commission and acquaint him with the trend of cross-examination
adopted on behalf of the accused as also tell him the omissions
~~adopted on behalf of the accused as also tell him the~~ and
contradictions that were sought to be brought out from him.
Secondly, in those days there was no knowing that the train would
reach Madras in time and if I were late for the court work because
of the late arrival of the train my going to Madras would have
been to no purpose. For these two reasons it was quite essential
that I had to be in Madras on the 22nd itself.

2 As for the return journey, I could never be certain
when I would be able to undertake it. For one thing everything
depended on whether the witness would be fit to appear in
Court on the 23rd or I would have to wait for a day or two more
for the witness to be in a fit condition. Then again it could
not be ascertained before hand when the examination of the witness
would close, whether on the 23rd itself or ~~whether~~ it would go to the
24th also. Actually I myself was anxious to start back on the
same day, i.e. on the 23rd but when late in the evening the
examination of the witness was over and I phoned up the Inquiry
Officer at the Central Station I was told that there were no
berths available. Hence I could travel on the 24th and reached home
on the 25th. It was under the above circumstances that I had to be
in Madras on the 22nd and start only on the 24th though the case
actually came up on the 23rd. The two extra days could not be
helped under any circumstances and not a single day more was taken
than was necessary.

3 I hope my remarks will be conveyed to the Home Depart-
ment, Government of Madras expeditiously.

Thanking you, Sir,

Yours faithfully,

Sd.
Addl. P.P.

/True Conv/

K
y/n

HOME DEPARTMENT.

G.O.Ms.No. 5048 Dated. 17.12.49.

Public Prosecutor, Additional - Mangalore - South Kanara - S.C.Nos.11 and 12 of 1948 on the file of the Assistant Sessions Judge - Examination on commission - Enhancement of fees - Sanctioned.

Read again:-

G.O.Ms.No.3348, Home dated 8-9-1948.

Read also:

From the D.M., South Kanara C.3./5000-49 dated 24-8-1949, 22-10-1949 and 29-11-1949.

O R D E R:

In modification of para 2 of G.O.Ms.No. 3348, Home, dated 8-9-1948, H.E. the Governor of Madras sanctions the payment of a fee of Rs.250 (Rupees two hundred and fifty only) to the Addl. Public Prosecutor, ^{Mangalore} Madras for the work mentioned in para 1 of that order.

2. The D.M. South Kanara is informed that specific sanction of the Government for the payment of ~~the~~ t.a. to the Additional P.P. is not necessary as he is eligible for t.a. under the M.T.A.

Rules.

To the D.M., South Kanara,
the A.G., Madras through
the Finance Dept.

16/12/49
16.12.49

17/12/49

dpel.
20/12/49

Sub: Public Prosecutor - Additional - Mangalore -
S.C.Nos 11 and 12 of 1948 on the file of
the Assistant Sessions Judge - Examination
on Commission - Deputation to Madras - Fees.
Ref: From the D.M., South Kanara, No.C3/5000-49
dated 24th August 1949.

p.l.c.f

The D.M., South Kanara has deputed ^{for} ~~an~~ Addl.P.P. Mangalore to Madras in connection with the examination on commission before the VI Presidency Magistrate, Madras of the Investigating Officer in S.C.Nos. 11 and 12 of 1948 on the file of the Assistant Sessions Judge, Mangalore. The Government approved his action and sanctioned payment of ^a ~~the~~ fee of Rs.105/- to the Addl.P.P. in connection with the deputation to Madras. It was also ordered that the Addl.P.P. ^{would} ~~might~~ be paid T.A. admissible under rule 6(b) of annexure ^{viii} ~~2~~ to the M.T.A. Rules for the journeys performed by him from Mangalore to Madras.

2. The Addl.P.P., Mangalore has now claimed Rs.250/- as fees, against Rs.105/- already sanctioned to him and Rs.94/- as travelling allowance. The D.M. South Kanara requests that fees may be paid to the Addl.P.P. at the revised rate.

3. The Addl.P.P. started from Mangalore on 21-7-1948, and reached Madras on 22-7-1948. The ^{examination on} ~~commission~~ took place on 23-7-1948. He left Madras on 24th and reached Mangalore on 25th July 1948. The D.M. previously reported that 24th and 25th ^{12, 23, 24, 25} ~~being~~ ^{being} holidays, the ^{ADDL} ~~A.P.P.~~ had no professional duty to attend to on these days, even if he were at Headquarters and recommended payment of fee at Rs.35/- a day for 3 days only, i.e., 21, 22 and 23rd July 1948.

4. The fee of Rs.35/- a day ^{for work in outlying stations,} ~~originally recommended by the D.M., as daily fee for work in outlying stations,~~ ^{was in force} ~~was~~ prior to 1-4-1948. This rate was raised to Rs.50/- a day from 1-4-1948. As the commission took place in July 1948, the revised rate may be agreed to for ^{the} ~~for~~ 3 days, i.e., 21, 22, and 23rd July 1948.

5. The D.M. has not ^{now} ~~justified~~ the payment of fee for

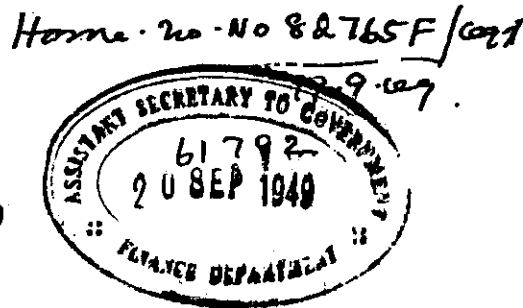
for 24 and 25th July 1948, in view of the statement at
A ~~above~~. The D.M. may be referred to his predecessors
letter dated 2-8-48 and asked to justify the payment of
fee for these 2 days

9258/F
22/9/49

6 Travelling allowance: The Addl.P.P. has claimed
Rs.94/- as second class fare from Mangalore to Madras and
back. He is eligible for T.A. under rule 6(b) of annexure

VII to the M.T.A. Rules. He is eligible for second class
fare under these rules. The sanction of the Government
for payment of T.A. is not necessary. Finance may advise.

A draft memo is submitted for approval. After view,
Finance may see.



Finance (Pen)

The views of Home. in paras 4.
and 5 of their note above may be
agreed to

2/. As regards payment of T.A.
to the Addl. P.P., the sanction of the Govt
is not necessary as he is eligible for T.A.
under the M.T.A. Rule.

X
21.9.49
22.9.49
23.9.49

DR
21.9.49
22.9.49

21.9.49

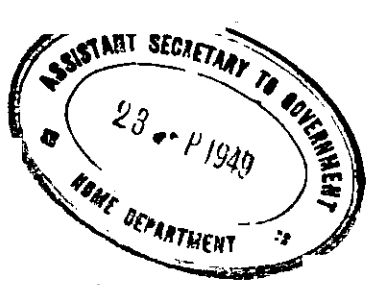
Home Secy

Rev. 61792
22-9-49

The draft memo may view

23.9.49
24.9.49

24/9/49



(I do not know No. 82765 F/49-2
24/9/49)

For P. I. P. - 25.9.49, Tk. 5000/49
22/9/49

With reference to para 5 on pp.1-2 ante, the District Magistrate, South Kanara was asked to justify the payment of fee to the Additional Public Prosecutor, Mangalore for the 24th and 25th July 1948, which were holidays and specify the actual period taken in travelling from Mangalore to Madras and back ~~to Mangalore~~. The District Magistrate has stated that the actual period taken for travelling from Mangalore to Madras was from the morning of 21-7-1948 to the morning of 22-7-1948 and that from Madras to Mangalore was from the evening of 24-7-1948 to the evening of 25-7-1948. It is not clear why the Additional Public Prosecutor should have left Mangalore on 21-7-1948 morning for the work in Madras on 23-7-1948. It would have been sufficient if he had left Mangalore on 22-7-1948^{mon.} and reached Madras on ^{the} 23rd morning, on which day he could have attended to the court work. Similarly, he could have ^{left} Madras on 23rd^{even.} itself after his court work was over and reached Mangalore on 24th ^{evening} ~~morning~~; instead, he had left ^{Mangalore} a day earlier and remained in Madras a day longer. The District Magistrate may be asked to clarify the position. A draft memo is submitted for approval.

[Signature]
4.11.49

[Signature]
5/11/49

pp 9-11 *[Signature]*
p.7. y

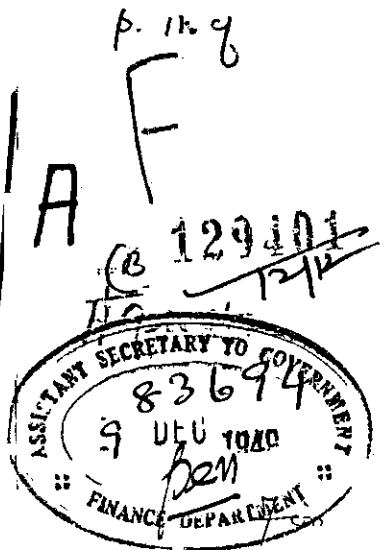
(Issued as Memo No.82765 F/49-3, Home, dated 5-11-1949)
From the D.M. South Kanara C3.5000/49 dated 29-11-1949.

With reference to A above, the D.M., South Kanara has forwarded a copy of the Additional Public Prosecutor's letter explaining the circumstances under which he ~~kept~~ ^{left} Mangalore a day earlier and remained in Madras on 24-7-1948^{is a day longer than necessary}. The facts in paras 1 on p.11 c.f. show why the Addl. Public Prosecutor left Mangalore on 22nd July, a day earlier; and those in para 2 show why he remained in Madras on 24th July. The District Magistrate has not offered any remarks on the Additional Public

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p.11. y

Public Prosecutor's letter. The reasons adduced by the Additional Public Prosecutor appear to be reasonable and may be accepted. In the circumstances, the Additional P.P. may be paid Rs.250 at the rate of Rs.50 a day for five days, i.e., 21st to 25th July 1948, instead of Rs.105 already sanctioned for ~~these~~ ^{five} days at the old rate of Rs.35 a day. Finance may see to remark.



Handwritten signature and date 9/12/48

Finance (Pension)

(Previous Finance Note on p.2. above)
The further notes of Home and the copy of letter dt. 26.11.48 from the Addl. Public Prosecutor, Mangalore at p.11. C.F. may be perused

Home L.O.
82765 F. 4
9/12

In the circumstances reported by the Addl. Pub. Prosecutor, this Dept. may agree to the payment of a fee of Rs.250/- at the rate of Rs.50. per day from 21st to 25th July, 1948. (i.e. 5 days) as proposed by Home.

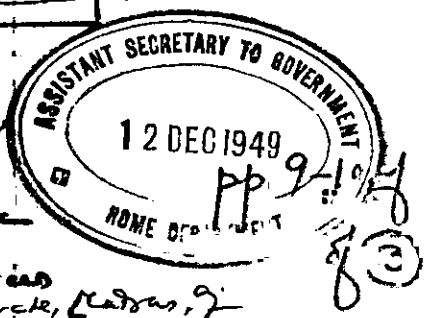
Fin. L.O.
83694/49.
10.12.48

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Home
Home Dept.

The case relates to the revision of the fee sanctioned on G.O. No. 3348 Home, dt. 8/9/48 to the Addl. P.P. Mangalore in connection with her deputation to Madras for examination on commission ^{before the VI. Magistrate, Madras, 7} The Investigating Officer on S.C. Nos 11 and 12 of 1948 on the file of the Asst S.J. Mangalore. The notes of this Dept and that of Fin at pp. 3-4 above may be perused. Fin agree with the view of this Dept at A about A draft order is subd. for approval



Handwritten signature and date 17/12/48

(Issued on G.O. No. 5048, dt. 17/12/48)

Handwritten signature and date 18/12/48